

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

March 12, 2001

- C035309 THE PEOPLE v. LOPEZ (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C034546 THE PEOPLE v. HEATER (Not for Publication)**
The judgment is modified to impose a \$10,000 restitution fine. As so
modified, the judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C034181 ANDRUS v. COREGIS INSURANCE COMPANY et al., (Not for Publication)**
The judgment is affirmed. Costs in favor of respondent.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Nicholson, J.
- C034579 WYATT v. WYATT, UFCW-NORTHERN CALIFORNIA EMPLOYERS (Not for Publication)**
The postjudgment order is affirmed. Sanctions in the amount of
\$9,698.45, to be paid as directed in this opinion, are imposed against
Maxim N. Bach, qua attorney for appellant Wife, for prosecuting a
frivolous appeal and for unreasonably violating the rules governing
appeals. Maxim N. Bach, qua attorney for appellant Wife, shall reimburse
Husband for Husband's costs on appeal. (Rules 26 (a) (1), 26 (a) (2).)
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Raye, J.
- C034995 OPONG-MENSAH v. CALIFORNIA DEPARTMENT OF FOOD AND (Not for Publication)**
AGRICULTURE et al.,
The appeal is dismissed as a non-appealable order and the request to
treat the appeal as a petition for writ of mandate is denied.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

March 12, 2001, continued

C035877 THE PEOPLE v. DAVID B. (Not for Publication)

The judgment (order of commitment) is affirmed.

BLEASE, Acting P.J.

We concur: Nicholson, J.

Raye, J.

March 13, 2001

C032783 THE PEOPLE v. MACHADO (Not for Publication)

The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.

MORRISON, J.

We concur: Blease, Acting P.J.

Raye, J.

C033785 THE PEOPLE v. WILSON (Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.

Hull, J.

C035522 THE PEOPLE v. TEAL (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Davis, Acting P.J.

Nicholson, J.

C035891 THE PEOPLE v. ALBRO (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.

Hull, J.

**C031831 ASSOCIATION OF CALIFONRIA STATE SUPERVISORS, INC. et al., v.
DEPARTMENT OF CORRECTIONS et al.,**

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

I concur: Nicholson, J.

I concur in the result:

Blease, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

March 14, 2001, continued

- C036725 THE PEOPLE v. THOMPSON (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Morrison, J.
- C036690 THE PEOPLE v. WATTS (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Morrison, J.
- C036103 In re TAYLOR K. et al., DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. JAMES K. (Not for Publication)**
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Hull, J.

March 15, 2001

- C034949 In re JEREMIAH G., DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. ALICIA J. (Not for Publication)**
The matter is remanded to the juvenile court for an inquiry as to whether
the minor is or may be an Indian child within the meaning of the ICWA
and for any further proceedings made necessary by the results of that
inquiry. In all other respects, the judgment is affirmed.
BLEASE, J.
We concur: Scotland, P.J.
 Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

March 15, 2001, continued

C036412

**JRS PRODUCTS, INC., v.
PANASONIC OFFICE PRODUCTS, etc., et al.,
BY THE COURT:**

The petition for rehearing is denied. It is clear from the record that defendants and respondents Panasonic Office Products, etc. and Shekoski were both named defendants in Count 8 of the complaint, and that the superior court's order did not grant summary adjudication as to either defendant. Accordingly, no final adjudication of all claims has been rendered as to either defendant. This court rejects appellant's argument that in order to dismiss the appeal, we must first determine whether Count 8 states a valid cause of action against respondent Panasonic. That is precisely the issue left unresolved by the superior court's orders, and the reason the judgment is not yet final.

The request that we treat the appeal as a petition for writ of mandate is denied.

This court's order of February 15, 2001, dismissing the appeal is modified to add, at the end of the order, the following: "The superior court is directed, upon receipt of the remittitur, to vacate its judgment entered July 20, 2000, and the stipulation upon which it is based. (See Hill v. City of Clovis (1998) 63 Cal.App.4th 434.) Each party shall bear its own costs." BLEASE, Acting P.J.

March 16, 2001

C035464

THE PEOPLE v. MACINTYRE (Not for Publication)

The judgment is modified to delete the restitution fines imposed pursuant to sections 1202.4, subdivision (b), and 1202.45. As modified, the judgment is affirmed. The trial court is directed to prepare a new amended abstract of judgment reflecting these modifications and to forward a certified copy of the new amended abstract to the Department of Corrections.

CALLAHAN, J.

We concur: Scotland, P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

March 16, 2001, continued

C037073

**DEARY et al., v. THE SUPERIOR COURT OF SACRAMENTO
COUNTY, HENDRICK (Certified for Publication)**

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order granting plaintiff's (real party in interest) motion to compel production of the estate tax returns of the estate of Roy Grant Deary, Jr., issue a new order denying plaintiff's motion in that respect, and take any further action needed to implement the opinion we have rendered. Upon our decision herein becoming final, the stay we previously issued is vacated. Costs are awarded to defendants (petitioners). (CERTIFIED FOR PUBLICATION)

NICHOLSON, Acting P.J.

We concur: Morrison, J.
Kolkey, J.